

REMARKS

As amended above, claims 5-10, 13-17, 20, 25-30, 33, 37, 38 and 43 are present in the instant application. In the most recent Office Action, claims 1-43 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for lack of antecedent basis in the claim term "the image in question". Claims 1, 2, 14-16, 21, 22, 34 and 35 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 6,584,223 to Shiiyama (hereinafter "Shiiyama") in view of U.S. Patent No. 6,804,683 to Matsuzaki, et al. (hereinafter, "Matsuzaki"). Claim 17 is rejected under 35 U.S.C. § 103(a) as allegedly obvious over Shiiyama in view of Matsuzaki, and further in view of U.S. Patent No. 5,852,670 to Setlak, et al. (hereinafter, "Setlak"). Claims 19 and 20 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Shiiyama in view of Matsuzaki, and further in view of U.S. Patent No. 6,104,434 to Nakagawa, et al. (hereinafter, "Nakagawa"). Claims 3, 4, 11, 12, 23, 24, 31, 32, 36, 41 and 42 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Shiiyama in view of Matsuzaki, and further in view of U.S. Patent No. 6,633,685 to Kusama, et al. (hereinafter, "Kusama"). Claims 5-8, 25-28, 37 and 38 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Shiiyama, Matsuzaki, and Kusama, and further in view of U.S. Patent No. 6,157,741 to Abe, et al. (hereinafter, "Abe"). Claims 9, 10, 18, 29, 30, 39 and 40 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Shiiyama, Matsuzaki, Kusama and Abe, and further in view of U.S. Patent No. 6,526,400 to Takata, et al. (hereinafter, "Takata"). Claims 13, 33 and 43 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Shiiyama, Matsuzaki, Kusama, Abe and Takata, and further in view of U.S. Patent No. 6,141,441 to Cass, et al. (hereinafter, "Cass").

As amended above, claim 5 incorporates subject matter previously recited in claims 1, 18 and 19. Claim 13 is amended to incorporate subject matter previously recited in claims 1, 11, 18 and 19. Claim 25 is amended to incorporate subject matter previously recited in claim 21. Claim 33 is amended to incorporate subject matter previously recited in claims 21 and 31. Claim 37 is amended to incorporate subject matter previously recited in claim 34. Claim 43 is amended to incorporate subject matter previously recited in claims 34 and 41. The remaining amendments are to correct formal matters and dependency only. No new matter has been added by these amendments.

Regarding the Information Disclosure Statement, as amended above, the specification has been corrected to conform to the face of the relevant document. In light of the Examiner's indication that the relevant document has been considered, Applicant respectfully requests that the Examiner provide an initialed copy of form PTO-1449 indicating that the reference has been considered.

With respect to the rejection under 35 U.S.C. § 112, as amended above, the claims recite "target image in question", which phrase finds antecedent basis in the earlier recited "image set to be a target" in each relevant claim. Therefore, Applicant respectfully submits that the rejection has been obviated, and kindly requests favorable reconsideration and withdrawal of the rejection.

On the merits of the claims, Applicant respectfully traverses the rejection for at least the reasons set forth below.

Independent claims 5 and 13 each recite an image search system comprising, *inter alia*, an amount of color distribution features is set to be an image feature amount obtained by dividing an image as an object representing feature into a predetermined plurality of blocks and determining a representative color of each said block to generate

data of said representative color corresponding to each said block, and wherein an amount of frequency distribution features is set to be an image feature amount generated by transforming an image as an object representing features into a reduced image of a fixed size and subjecting said reduced image to frequency conversion. Independent claims 25 and 33 each recite an image search method comprising, *inter alia*, steps commensurate in scope with respect to the features just recited. Independent claims 37 and 43 each recite an image search program comprising, *inter alia*, functions also commensurate in scope with the features just recited. The Office Action avers that these features are recited in Nakagawa, and/or Abe. Applicant respectfully disagrees.

In contrast to the claimed invention, Nakagawa discloses the method of coding by performing DCT for every block and quantizing in compressing of image data. Abe discloses the method of extracting the amount of the features from each block of image, after once restoring an original image by performing inverse frequency conversion for the data compressed into MPEG for every block.

When processing the compressed image upon which rectangular expansion has already been executed by DCT, for example as an MPEG system, the conventional image search system once restores a compressing image to an original image, and performs generation of the amount of the features newly from the reload image. In such a conventional processing method, since reload processing cannot be excluded, the amount of processing will increase.

On the other hand, as described specification and recited in the claims, the present invention reduces an image to fixed size and uses the orthogonal transformation coefficient obtained by performing orthogonal transformation to the reduced whole image

as an amount of the image features. For this reason, unlike the compression coding data on condition of decoding, such as JPEG and MPEG data, an original image is ungenerable from the amount of the image features.

So, according to the present invention, the method for computing the similarity between the amount of color distribution features and the amount of the frequency distribution features in the case where it is not possible to generate an original image from the amount of the image features. The detailed method of generating the amount of color distribution features from the orthogonal transformation coefficient obtained by contraction to the fixed size of an image and orthogonal transformation to the reduced whole image is described in neither of the references.

Shiiyam discloses the color distribution condition for every block, and Takata discloses the point of using the color average of a block as an amount of the image features, and Case discloses the image size conversion method. However, in these references, there is no description at all about the detailed method of converting into the amount of the frequency distribution features the amount of color distribution features that consists of the color feature for every block.

Therefore, each independent claim will be seen as patentably distinguished over the prior art references of record, either singly or taken in any combination. Each dependent claim is separately patentable, but is submitted as patentable for at least the same reasons as the underlying independent base claims.

In the interest of brevity, Applicant has addressed only so much of the rejection(s) as is considered necessary to demonstrate the patentability of the claim(s). Applicant's failure to address any part of the rejection should not be construed as acquiescence in the

propriety of such portions not addressed. Applicant maintains that the claims are patentable for reasons other than these specifically discussed, *supra*.

In light of the foregoing, Applicant respectfully submits that all claims recite patentable subject matter, and kindly solicits an early indication of allowance of all claims. If the Examiner has any reservation in allowing the claims and believes that a telephone interview would advance prosecution, they are kindly requested to telephone the undersigned at an earliest convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David J. Torrente", with a long horizontal flourish extending to the right.

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